

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Tuesday, August 28, 2001 – 9:30 a.m. – Room 305 State Capitol

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. David Ure, House Chair
Sen. Mike Dmitrich
Sen. Ed Mayne
Sen. Michael G. Waddoups
Rep. Judy A. Buffmire
Rep. James R. Gowans
Speaker Martin R. Stephens

Members Excused:

President Al Mansell
Rep. John E. Swallow

Staff Present:

Ms. Jami Momberger, Research Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Cassandra Bauman, Legislative Secretary

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us.imaging/history.asp> or contact the Office of Legislative Research and General Counsel.

1. Call to Order and Approval of Minutes

Chair Stephenson called the meeting to order at 9:35 a.m.

MOTION: Rep. Gowans moved to approve the minutes of July 16, 2001. The motion passed unanimously with Rep. Buffmire absent for the vote.

2. R501-12-6 Foster Parent Requirements

Sen. D. Chris Buttars explained that the Department of Human Services (DHS) informed his employee and constituent that he would not be allowed to continue caring for his two foster children because his household size exceeded that allowable by DHS rules. The constituent's family consists of five biological children and two foster children. According to DHS rules a foster family cannot exceed a total of six children (either biological or foster children). Senator Buttars stated that the rule should be repealed. He also stated that competency and capability should be considered when evaluating the number of children for whom foster parents can provide.

Mr. Mark Ward, Deputy Director, Department of Human Services, distributed "Statutory Authority to License Foster Homes." He stated that Ms. Robin Arnold-Williams, Executive Director, Department of Human Services, has asked that the rule be reviewed. He conveyed that the rule of six children is not a limit, but a threshold, because a variance process allows a foster family exceeding the six child limit to request an exception to the rule on a case-by-case basis. Explaining that this rule is considered a health and safety standard, Mr. Ward said that considering competency and capability grants foster care licensors a great deal of discretion in the field. He asserted that the amount of this discretion is up to the Legislature and asked the Committee to consider how much discretion should be allowed in the field for social workers.

Ms. Becky Oakley, Chair, Division of Child and Family Services (DCFS) Board, explained the history and make up of the DCFS Board. She stated that the rule is being studied and that none of the current board members were on the board when the rule was established. Ms. Oakley clarified the rule, stating it does not apply to children who are legally free from their biological parents. Also, sibling groups are given special consideration when being placed in foster care.

Rep. Buffmire explained that variables such as: age, abused or neglected background, or disabilities should be DHS considerations when qualifying foster parents. Committee discussion followed. Speaker Stephens asked that this issue be brought back to the Committee after the rule has been reviewed by DHS and the DCFS Board. Ms. Oakley stated that the DCFS Board will be meeting again in late September and will discuss the issue.

MOTION: Sen. Waddoups moved that the Committee suspend action on the issue until the DCFS Board can report back to the Committee in sixty days. The motion passed unanimously.

3. R657-13-11 Restrictions on Taking Fish and Crayfish

Sen. Mayne introduced the issue of snagging fish. Mr. Ralph Hayes, fisherman, explained that salmon move into streams to spawn and die. He stated that persons who catch fish by any part of the body other than its mouth may be subject to a fine. He explained that the salmon are going to die after they spawn and that salmon should be exempt from the rule for this reason.

Mr. John Kimball, Director, Division of Wildlife Resources, distributed "Fish Utah - 2001 Utah Fishing Proclamation and Information." He stated that another proclamation will be published around September 11, 2001.

Mr. Tom Pettengill, Aquatics Program Coordinator, Division of Wildlife Resources, stated that the rules are established through a public meeting process consisting of approximately six meetings per year. He stated that many are passionate about the issue of snagging. He stated that this rule helps to ensure that the salmon spawn. Mr. Pettengill also explained that even if the fish was caught and released, it may be difficult for the salmon to spawn with the various types of wounds incurred by snagging. He stated that while foul snagging of fish occurs, the intentional foul snagging is what the rule is intended to address. He responded to the committee's questions.

Mr. Patrick Milburn, Anglers Inn, spoke in support of the current rule.

Mr. Jim Carter, President, Strawberry Anglers Association, stated that many states have rules prohibiting snagging fish.

Mr. Ray Shalby, Environmental Officer, Rocky Mountain Anglers, reported to the Committee the findings of a review of snagging spawning salmon. His organization encourages and lobbies for laws prohibiting snagging.

Ms. Vicky Fairough, Rocky Mountain Anglers, reflected on previous comments. She stated her belief that the current rule should be maintained.

Mr. Paul Dremann, Conservation Officer, Trout Unlimited of Utah, explained the popularity of salmon fishing, not just during spawning. He stated that the salmon population is greatly affected by snag fishing.

Committee discussion followed. Sen. Mayne asked that the Division of Wildlife Resources take the comments of this meeting to the next public hearing of the rules and discuss the issue further. Mr. Kimball

stated that he would provide the committee with a copy of the minutes from the public discussion. Chair Stephenson suggested that the Division be invited to another meeting to report on the rule.

4. Utah's Meat Inspection Standards

Rep. Ure introduced the issue. Dr. Mike Marshall, State Veterinarian, Department of Agriculture and Food, explained that meat reprocessed in the United States is relabeled as U.S. meat and the country of origin is lost after a package's seal is broken. He explained that preapproval of all meat by the United States Department of Agriculture (USDA) is required before shipping meat to Utah or any US destination.

Dr. Chris Crnich, Manager, Meat Inspection, clarified that meat packaged in another country for retail sale in the U.S. must be labeled with the country of origin. These foreign packaging plants must be inspected and preapproved by the USDA to sell meat in the U.S. market. Once these packages reach the U.S., the meat is reinspected and sampling requirements are taken by the USDA. He stated that five states have reviewed mandating country of origin labeling of meat products and that all these states concluded the issue is unconstitutional.

Committee discussion followed. Rep. Ure concluded that Utah cannot write rules regulating mandating country of origin on meat products because of constitutional concerns. He stated that it is a health and safety issue that will have to be addressed in another way.

5. Publication of Utah State Digest

Mr. Ken Hansen, Director, Division of Administrative Rules, explained that the Digest is a summary of the State Bulletin which explains the proposed rules in Utah. He stated that the cost of publishing the Digest can be used more effectively to market the resources in other ways. He stated that the Digest will be available online, but will not be published in hard copy.

6. Committee Business

a. Date of Next Meeting

Future meetings are tentatively scheduled for Monday, September 10, 2001, Tuesday, September 25, 2001, Tuesday, October 9, 2001, and October 30, 2001 at 9:00 a.m.

b. Items for Next Meeting

Sen. Dmitrich requested that the medical examiner be invited to discuss a bill that passed last general session regarding rural coroners.

c. Other

No other business was discussed.

7. Adjourn

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MOTION: Rep. Ure moved to adjourn the meeting. In the absence of a quorum, Chair Stephenson adjourned the meeting at 11:43 a.m.